

REGULAR MEETING BOARD OF COUNTY COMMISSIONERS JULY 26, 2011

The Board of County Commissioners convened in regular session on this Tuesday, July 26, 2011, at The Villages, Florida, with the following members present to wit: Douglas Gilpin, 2nd Vice Chairman, District No. 2; Donald Burgess, Chairman, District No. 3; Garry Breeden, Vice Chairman, District No. 4; and Randy Mask, District No. 5. Commissioner Richard Hoffman, District No. 1, was absent. The following individuals were also present and acting in their respective official capacities: Bradley Arnold, County Administrator; William Kleinsorge, Finance Director; Connie Webb, Deputy Clerk; and Tom Hogan of The Hogan Law Firm, Attorneys for the Board. Chairman Burgess called the meeting to order at 5:00 p.m. with the invocation given by Commissioner Mask followed by the flag salute led by Vice Chairman Breeden.

1. TIMED ITEMS AND PUBLIC HEARINGS

- a. 5:00 pm - Public Hearing - Ordinance to Amend Chapter 17, Sumter County Code, to Add a New Section - Section 17-5 - Establishing Speed Limits within The Villages Development of Regional Impact

Chairman Burgess called for a Public Hearing to consider an ordinance to amend Chapter 17, Sumter County Code, to add a new section - Section 17-5 - establishing speed limits within The Villages Development of Regional Impact. Proof of Publication, as advertised, filed herewith.

Bradley Arnold, County Administrator, summarized the history leading up to this proposed ordinance. This is an effort to correct inconsistencies and questions regarding posted speed limits within The Villages. By statute, if a road is not posted with a speed limit, the default speed limit is 30 mph. There are 731 County roads within The Villages that are not posted but the majority of these are intended to be 15 mph based on the general sign posted at the entrance of most of the individual villages. This proposed ordinance is intended to avoid having to post an enormous number of signs regarding speed limits. If the proposed ordinance is approved there will be two effective dates. The first one will be immediately for any new roads whose design has not been approved through the County's development review process, as of the date of adoption of the ordinance. The second one will be January 1, 2012 for the existing roads, which are those roads which were constructed as of the date of adoption of this ordinance.

The proposed section to the County Code reads as follows:

"Section 17-5 Villages Speed Limits

All roads within The Villages of Sumter, Tri-County Villages of Sumter, and Villages of Wildwood, collectively referred to as 'The Villages DRI', shall have a speed limit of 20 miles per hour, unless otherwise posted."

Mr. Arnold advised that the main arteries would be posted with the specific speed limit for those roads.

PUBLIC - The following individuals addressed the Board:

Liza Atkinson, 603 Mullins Path, The Villages, spoke in favor of the proposed ordinance. She also encouraged enforcement of the speed limits.

Carol Ferry, 3304 Bedford Way, The Villages, opposed there being a blanket speed limit. She requested the Board table this item to allow more time to reach out to the public and make them aware of this proposed change and why it is needed.

There was discussion by the Board regarding a traffic engineering study of the anticipated roads to be affected with public input being strongly encouraged.

07-26-11-1-a

Chairman Burgess moved, with a second by 2nd Vice Chairman Gilpin, to approve an Ordinance (Ord. No. 2011-12) to Amend Chapter 17, Sumter County Code, to Add a New Section - Section 17-5 - Establishing Speed Limits within The Villages Development of Regional Impact taking into consideration the comments from the Board. The motion carried unanimously 4 - 0.

*Quasi Judicial Hearing

2. REPORTS AND INPUT

a. Retirement Presentation to Sandra Howell

The Board made a special presentation to Sandra Howell in honor of her retirement after 36 years of service to Sumter County.

b. Proclamation proclaiming August 8, 2011 thru August 14, 2011 as National Health Care Week

Chairman Burgess read a proclamation into the record proclaiming August 8, 2011 through August 14, 2011 as National Health Care Week.

07-26-11-1-b

c. County Administrator

1. Purchase Orders (For Information Only)

07-26-11-2-c-1

2. Significant Schedule of Items (For Information Only)

07-26-11-2-c-2

3. Road Project Update Report (For Information Only)

07-26-11-2-c-3

4. Facilities Development Update (For Information Only)

07-26-11-2-c-4

5. Department Surveys for June (For Information Only)

07-26-11-2-c-5

6. Health Care Responsibility Act Claims June 2011 (For Information Only)

07-26-11-2-c-6

7. Major Revenue Collection Report (For Information Only)

07-26-11-2-c-7

8. Lake-Sumter Metropolitan Planning Organization list of priority projects adopted 6/22/2011 (For Information Only)

07-26-11-2-c-8

9. Letter from Bill Nelson regarding Service Academy Board (For Information Only)

Mr. Arnold advised that with the Board's permission he would like to continue serving on the Service Academy Board.

07-26-11-2-c-9

10. Tusa Consulting, Final Report - Sumter County Concepts (For Information Only)

Mr. Arnold explained the addendum to this report. Chief Leland Greek is currently reviewing the draft Request for Proposals for the Public Radio System which will then be forwarded to the Sheriff and The Villages Public Safety Department for their review.

07-26-11-2-c-10

11. Certificate Regarding Matching Funds for the Federal Election Activities Grant (For Direction Only)

07-26-11-2-c-11

2nd Vice Chairman Gilpin moved, with a second by Commissioner Mask, to authorize the Chairman's signature on the Certificate Regarding Matching Funds for the Federal Election Activities Grant. The motion carried unanimously 4 - 0.

- d. County Attorney - No report.
- e. Clerk of Court - No report.
- f. Board Members

All of the Board Members individually thanked Ms. Howell for her many years of service and dedication to Sumter County.

- g. Public Forum

Chairman Burgess advised that the Board of County Commissioners welcomes and encourages public input on all issues subject to the Board's jurisdiction which affect the residents of Sumter County. However, to preserve decorum in these proceedings, the Board respectfully requests that an individual wishing to address the Board during the public forum be mindful of the following provisions of Section 2-31 of the Sumter County Code, which have been in effect since 1982. "Each person shall limit his address to five (5) minutes unless granted additional time by majority vote of the Board of County Commissioners. All remarks shall be to the Board of County Commissioners as a body and not to any individual member. Additionally, any person making impertinent or slanderous remarks, or who becomes boisterous, shall be instructed to remain silent by the presiding officer until permission to continue is granted."

Verl Short, 1550 El Camino Real, The Villages, thanked the Board for their time and commented that the pedestrian crosswalk issue is not just a Freedom Pointe issue but affects other people as well.

Carol Ferry, 3304 Bedford Way, The Villages, asked for clarification on the speed limit ordinance adopted earlier in the meeting and whether or not the developer was contacted regarding this. Mr. Arnold responded that the County has spoken to the developer and the speed limit on new development will be 20 mph with consideration for modification if warranted. Ms. Ferry also discussed the lack of golf cart access in the Buenos Aires/El Camino Real area.

Donald Simpson, 1225 Carvello Drive, The Villages, commented on the crosswalk issue and would like to see the Board readdress the golf cart issue.

Ed Now, 1729 Tempest Drive, The Villages, inquired about procedure to readdress the golf cart issue at Buenos Aires.

Ann Peterson, 2073 Clarkser Way, The Villages, discussed the crosswalk issue and whether or not the engineering survey indicated which would be better crosswalk or golf carts. Mr. Gilpin responded that the survey did not address the crosswalk issue at all.

3. NEW BUSINESS-ACTION REQUIRED

a. MINUTES

1. Minutes of Regular meeting held on July 12, 2011 (Staff recommends approval).

07-26-11-3-a-1

Vice Chairman Breeden moved, with a second by Commissioner Mask, to approve the minutes of the regular meeting held on July 12, 2011. The motion carried unanimously 4 - 0.

b. FUTURE PUBLIC HEARINGS OR MEETINGS

1. Schedule Public Hearing for August 9, 2011 at 5:00 p.m., located at The Sumter County Government Annex, 910 N Main Street, Bushnell, FL 33513 for Ordinance to amend SCC Chapter 20, Article IV, Section 20-82, remove acceptance of unpaved roads (Staff recommends approval).

07-26-11-3-b-1

2nd Vice Chairman Gilpin moved, with a second by Commissioner Mask, to approve to schedule a Public Hearing for August 9, 2011 at 5:00 p.m., located at

The Sumter County Government Annex, 910 N Main Street, Bushnell, FL 33513 for Ordinance to amend SCC Chapter 20, Article IV, Section 20-82, remove acceptance of unpaved roads. The motion carried unanimously 4 - 0.

2. Schedule Public Hearing for August 23, 2011 at 5:00 p.m., located at Colony Cottage Regional Recreation Center, 510 Colony Blvd, Parlor Room, The Villages, FL 32162 for Adoption of Sumter County MSBU annual Fire Assessment Rate and Resolution (Staff recommends approval).

07-26-11-3-b-2

Commissioner Mask moved, with a second by Vice Chairman Breeden, to approve to schedule Public Hearing for August 23, 2011 at 5:00 p.m., located at Colony Cottage Regional Recreation Center, 510 Colony Blvd, Parlor Room, The Villages, FL 32162 for Adoption of Sumter County MSBU Annual Fire Assessment Rate and Resolution. The motion carried unanimously 4 - 0.

3. Schedule Public Hearing for August 23, 2011 at 5:00 p.m., located at Colony Cottage Regional Recreation Center, 510 Colony Blvd, Parlor Room, The Villages, FL 32162 for Adoption of The Villages MSBU Annual Fire Assessment Rate and Resolution (Staff recommends approval).

07-26-11-3-b-3

Vice Chairman Breeden moved, with a second by Commissioner Mask, to approve to schedule Public Hearing for August 23, 2011 at 5:00 p.m., located at Colony Cottage Regional Recreation Center, 510 Colony Blvd, Parlor Room, The Villages, FL 32162 for Adoption of The Villages MSBU Annual Fire Assessment Rate and Resolution (Staff recommends approval). The motion carried unanimously 4 - 0.

c. APPOINTMENTS

1. Appointment to the Canvassing Board for the 2012 Election (Board's option).

Chairman Burgess nominated 2nd Vice Chairman Gilpin to serve on the Canvassing Board for the 2012 Election and Vice Chairman Breeden to serve as the alternate on the Canvassing Board for the 2012 Election. **Both accepted the nomination and therefore no vote was taken.**

07-26-11-3-c-1

2. Enterprise Zone Development Agency vacancies (Board's option).

07-26-11-3-c-2

Commissioner Mask moved, with a second by 2nd Vice Chairman Gilpin, to approve the appointment of Jerry Brown, Center Hill, to the Enterprise Zone Development Agency. The motion carried unanimously 4 - 0.

3. Industrial Development Authority vacancy (Board's option).

No action taken.

07-26-11-3-c-3

4. Sumter County Fire and Emergency Medical Services Advisory Board vacancy (Board's option).

07-26-11-3-c-4

2nd Vice Chairman Gilpin moved, with a second by Commissioner Mask, to approve the appointment of Cynthia Evans, The Villages, as the At-Large Alternate Member on the Sumter County Fire and Emergency Medical Services Advisory Board. The motion carried unanimously 4 - 0.

d. FINANCIAL

1. Sumter County Tourism Development Grant

The Sumter County Chamber of Commerce applied to the Tourist Development Council (TDC) for \$10,000 in funding for the "Beef and Boogie" event scheduled for November 4 and 5, 2011 at the Webster Farmers Market. The monies will be used for local and regional newspaper advertisements, Facebook target advertisements, and K Country 93.7 radio advertisements. The application was reviewed by staff from the Financial Services Department who recommended funding at the requested amount. The TDC voted 6-2 to recommend full funding also.

The Board options are: (1) \$10,000 (recommendation of TDC by 6-2 vote); (2) \$3,500 (radio advertisement only); and (3) no funding.

CLERK'S NOTE: This item was pulled for discussion at the request of 2nd Vice Chairman Gilpin.

07-26-11-3-d-1

Commissioner Mask moved, with a second by Vice Chairman Breeden, to approve Option 1 - \$10,000 as recommended by the TDC. The motion carried 3 – 1 with 2nd Vice Chairman Gilpin voting nay.

2. Purchase Order Approval (Staff recommends approval).

There are two purchase orders:

(1) PO #54176 in the amount of \$49,000 to The Villages Technology Solution Group for Voice Over Internet Protocol (VoIP) Project for equipment and labor for the remaining County-wide offices.

(2) PO #54315 in the amount of \$38,150 to Central Testing Laboratory for implementation of the Ground Water Monitoring Plan for the Sumter County Solid Waste Facility.

07-26-11-3-d-2

3. Contract Change Order 8 with Greg Construction for Final Closeout of the Security Vestibule Project (Staff recommends approval).

07-26-11-3-d-3

4. Contract Change Order 22 with West Bushnell Fire Station 22 with Emmett Sapp Builders (Staff recommends approval).

07-26-11-3-d-4

5. Contract Change Order 23 with South Wildwood Fire Station 33 with Emmett Sapp Builders (Staff recommends approval).

07-26-11-3-d-5

6. Contract Change Order 24 with Downtown Wildwood Fire Station 31 with Emmett Sapp Builders (Staff recommends approval).

07-26-11-3-d-6

7. Change Order Request with Midwest Tape for Purchase Order No. 53838 (Staff recommends approval).

This increase request to Blanket Purchase Order No. 53838 (Midwest Tape) by \$5,000 is to purchase books on tape, DVD's and CD's for County libraries.

07-26-11-3-d-7

8. Change Order Request with SBCCI for Purchase Order No. 9000019 (Staff recommends approval).

Request to increase Purchase Order No. 9000019 (SBCCI) by \$10,000. Funds that were initially budgeted covered inspections from the private companies past performance. Downsizing and retirement created an additional work load on our private provider; therefore, funds are not sufficient to cover the contracted building inspections.

07-26-11-3-d-8

9. Change Order Request with PDCS for Purchase Order No. 9000020 (Staff recommends approval).

Request to increase Purchase Order No. 9000020 (PDCS) by \$40,000. Funds that were initially budgeted covered inspections from the private companies past performance. Downsizing and retirement created an additional work load on our private provider; therefore, funds are not sufficient to cover the contracted building inspections.

07-26-11-3-d-9

10. Approve Tentative Millage Rate and Public Hearing Dates for Millage and Budget Adoption for FY 2011/12 (Staff recommends approval).

07-26-11-3-d-10

11. Budget Amendment A-76 (FY 10/11) General Fund (Staff recommends approval).

The purpose of this budget amendment is to cover the remaining tuition reimbursement payments for FY 2010/2011.

07-26-11-3-d-11

12. Budget Amendment A-77 (FY 10/11) Capital Outlay Reserve Fund (Staff recommends approval).

The purpose of this budget amendment is to increase the budgeted line items to cover additional costs on contract change orders submitted on this agenda for the following work:

West Bushnell Fire Station #22 - signage (\$2,200); shelves (\$200); propane tank (\$5,000); irrigation meter (\$400).

Downtown Wildwood Fire Station #31 - ADA shower (\$700)

South Wildwood (Coleman) Fire Station #33) - secondary service to transformer (\$5,040).

07-26-11-3-d-12

13. Proposed budget of the North Sumter County Utility Dependent District (Staff recommends approval).

The North Sumter County Utility Dependent District (NSCUDD) was established by Ordinance 2010-10 on July 13, 2010 pursuant to Ch. 189, Florida Statutes. The statute allows the Dependent District to budget separately from the County via the concurrence of the local governing authority.

14. FY 11/12 Annual Certified Budget for Mosquito Control (Staff recommends approval).

07-26-11-3-d-14

2nd Vice Chairman Gilpin moved, with a second by Vice Chairman Breeden, to approve Agenda Items 2 through 14 under Financial. The motion carried unanimously 4 - 0.

e. CONTRACTS AND AGREEMENTS

1. Approve and execute contract with Ride Right, LLC, for provision of Public Transportation Services for Sumter County and approve transportation department reorganization (Staff recommends approval).

07-26-11-3-e-1

2. Approve ITB #136-0-2009/AT Tree Service and Emergency Tree Service for Furlong and Shawnee Mission Tree Service contract extension request (Staff recommends approval).

07-26-11-3-e-2

3. Award and enter into a contract with D&A Building Services, Inc. for RFP 011-0-2011/AT Janitorial Services for Sumter County Facilities (Staff recommends approval).

CLERK'S NOTE: Mr. Arnold advised that there has been a letter of protest and a letter of intent to protest filed in this matter. He would request that the Board

move forward with the approval of the award and direction to staff to negotiate the contract with the recommended entity. The final contract will not be presented to the Board until Mr. Arnold has ruled on the formal protests. The review consists of looking at the facts presented by the vendors who are protesting to determine if the facts are factual, and to determine if there is any error or omission by the Selection Committee or the County as a whole in following the Purchasing Policy.

07-26-11-3-e-3

07-26-11-3-e-3-protest

4. Contract Between The Department of Corrections and Sumter County Board of County Commissioners (Staff recommends approval).

07-26-11-3-e-4

5. E911 Recorder System Annual Maintenance Renewal with Stancil Solutions (Staff recommends approval).

07-26-11-3-e-5

6. Escrow Agreement for Brian Terry Vinyl, Inc (Staff recommends approval).

07-26-11-3-e-6

7. Memorandum of Understanding with Johnson Controls, Inc. (JCI) for Preliminary Energy Feasibility Assessment (Staff recommends approval).

07-26-11-3-e-7

8. Notice of Termination for Flexible Spending Account and Section 125 Plan Administration with Professional Benefit Administrators, Inc. effective March 31, 2012 (Staff recommends approval).

07-26-11-3-e-8

9. C-468 Access Improvements (Staff recommends approval).

07-26-11-3-e-9

10. Contract with The Villages Center Community Development District for the provision of Fire, Non-Transport Basic and Advanced Life Support, and ancillary Services (Staff recommends approval).

07-26-11-3-e-10

11. Memorandum of Understanding between the Sumter County Board of County Commissioners and the Sumter County Clerk of Circuit Court (Staff recommends approval).

07-26-11-3-e-11

Vice Chairman Breeden moved, with a second by Commissioner Mask, to approve Agenda Items 1 and 2 and 4 through 11 as presented. Agenda Item 3 is recommended for approval to award the contract and enter into contract negotiations with D&A Building Services, Inc. pending the outcome of the protests. The motion carried unanimously 4 - 0.

f. GENERAL ITEMS FOR CONSIDERATION

1. Buenos Aires Pedestrian Crossing Improvements (Board's option).
CLERK'S NOTE: This item was moved to the beginning of the New Business section of the agenda.

Mr. Arnold summarized the events leading up to this agenda item. A memorandum was received from The Villages Committee for Safe Access Accommodations requesting a pedestrian crossing at the intersection of Buenos Aires and El Camino Real in order to access the Santa Barbara Professional Plaza and the Buenos Aires Professional Plaza. The request is to modify the existing vehicular traffic signals to allow pedestrian activated crosswalk signals and to install concrete sidewalks to access both the Santa Barbara and Buenos Aires Professional Plazas. The Public Works Division reviewed the existing conditions of this intersection for feasibility and developed the following two options.

Option 1 would modify the existing traffic signals, install crosswalk striping at the intersection of Buenos Aires and El Camino Real, modify the existing curb to install six handicap curb ramps, and install approximately 130 feet of six-foot sidewalks to connect into the parking facilities. Although this option appears to have the least amount of impacts to accommodate the requested improvements, cooperation with and easements from the Buenos Aires Professional and Santa Barbara Professional Plaza property owners is required in order to extend the sidewalk to the private parking facilities.

Option 2 would modify the existing traffic signals, install crosswalk striping at the intersection of Buenos Aires and El Camino Real, modify the existing curb to install six handicap curb ramps, and install approximately 1100 feet of six-foot sidewalks adjacent and parallel to Buenos Aires Boulevard. The available right-of-way is only four feet on both sides of Buenos Aires Boulevard; however, a six-foot sidewalk is needed to meet the Florida Department of Transportation's requirements. Therefore, right-of-way or an easement is required along both sides of Buenos Aires Boulevard in order to install sidewalks on both sides that meet FDOT requirements. Option 2 will impact more existing infrastructure than Option 1 because the existing landscape, utilities, and street lights are within the proposed route of the sidewalk and therefore more money is required to implement this option. Right-of-way and/or easements are required from three property associations - Santa Barbara Professional Plaza (aka Lewkhanna LLC), the Buenos Aires Professional Plaza, and Davis Resources, LLC.

Mr. Arnold advised that at the BOCC meeting held on June 14, 2011, the Board directed Mr. Arnold to proceed as follows: (1) contact the property owners along Buenos Aires Boulevard to gauge their support on providing to Sumter County, at no cost, the easements/rights-of-way that would support Option 1 or Option 2; and the willingness to share in the cost of providing Option 1 or Option 2. He was also directed to provide information on existing utilities along Buenos Aires Boulevard and the process of relocating them.

Based upon preliminary discussion, the general consensus from the Buenos Aires Professional Plaza and Davis Resources LLC property owners is that easements/rights-of-way will be provided to Sumter County at no cost, so long as the County provides all funding for construction costs, landscaping, and all future maintenance. Santa Barbara (aka Lewkhanna LLC) Professional Plaza has not yet responded and this property is needed for both Option 1 or Option 2.

The preliminary feedback from utility providers in the corridor is that the sidewalk can be constructed over the existing utility lines in the easement. However, if future utility line work is needed, the utility company will remove the necessary section of sidewalk to relocate their utility, but the sidewalk will be replaced and paid for by Sumter County.

Mr. Arnold advised that this project was not budgeted for this fiscal year 10/11. If either option is selected, staff will develop the concept and refine the cost estimate before bringing it back to the Board for approval to proceed.

The Board allowed public input from the following individuals:

Verl Short, 1550 El Camino Real, The Villages, spoke on behalf of the residents of Freedom Pointe, and strongly encouraged the Board to move forward with this project. He advised that many of the residents of Freedom Pointe do not own automobiles or golf carts and would like safe pedestrian access to the medical facilities, etc. in the area.

Dr. Barton Blumberg, 1503 Buenos Aires Boulevard, The Villages and Dr. Steve Rivers, 1503 Buenos Aires Boulevard, The Villages, addressed the Board regarding some of their concerns with their patients walking to their offices and advised that they would like to see golf cart access also considered.

After lengthy discussion by the Board, direction to staff was to proceed no further with this matter.

07-26-11-3-f-1

2. Acceptance of Tax Deed No. 4023, parcel No. C27=001 and approval to record deed in the Official Records (Staff recommends approval).

07-26-11-3-f-2

3. Application for Funding Assistance, Florida Department of Law Enforcement, Justice Assistance Grant for the Sumter County Drug Task Force VI Program (Staff recommends approval).

The total request for this is \$68,205. The grant will be administered by the Sumter County Sheriff's Office.

07-26-11-3-f-3

4. Approval of BCBS Exhibit 3, Disclosure of Protected Health Information for Plan Administration (Staff recommends approval).

07-26-11-3-f-4

5. Central Florida Substation, Preliminary Plans reviewed at the July 18, 2011, Development Review Committee (DRC) meeting (Staff recommends approval).

Progress Energy will be expanding an existing utility substation on 45.6 acres MOL on the south side of SR 44 adjacent to the Sumter/Lake County line in Wildwood.

07-26-11-3-f-5

6. Inventory Transactions (Staff recommends approval).

07-26-11-3-f-6

7. Panacoochee Retreats CDBG Environmental Review Record (Staff recommends approval).

07-26-11-3-f-7

8. Resolution concurring with the North Sumter County Utility Dependent District to budget separately from the County's budget (Staff recommends approval).

Resolution No. 2011-31

07-26-11-3-f-8

9. Resolution implementing the provisions of Chapter 252.38 (1) (b), Florida Statutes, pertaining to the appointment of the Sumter County Emergency Management Director by the County Administrator, effective October 1, 2011 (Staff recommends approval).

Resolution No. 2011-32

07-26-11-3-f-9

10. SR 48 Widening and Parcel 100 transfer to FDOT (Staff recommends approval).

Resolution No. 2011-33

07-26-11-3-f-10

2nd Vice Chairman Gilpin moved, with a second by Vice Chairman Breeden, to approve Agenda Items 2 through 10 under General Items for Consideration. The motion carried unanimously 4 - 0.

4. ADJOURN

The meeting was adjourned at 6:45 p.m.